

Exhibit 28



General Order

Date of Issue 10 January 2003		Effective Date 10 JANUARY 2003	Number 03-01
Subject DISCRIMINATION AND SEXUAL HARASSMENT		File Code "S"	
Reference	Rescinds 87-12	Amends	Distribution All

I. PURPOSE:

The purpose of this General Order is to state the City of Warren's and Warren Police Department's position on discrimination and sexual harassment, providing guidelines to members of the Department for reporting, investigating, and appropriate actions to be taken when violations occur. This policy is applicable to all employees of the Warren Police Department.

II. POLICY:

It is the policy of this Department that all employees have the right to work in an environment free from all forms of harassment. The Department does not condone and will not tolerate any harassment or discriminatory behavior. Therefore, the Department shall take direct and immediate action to prevent such behavior and to remedy all reported incidents of harassment. All personnel will conduct themselves in a professional manner when dealing with other employees.

Both Title VII of the Civil Rights Act, as amended, and the Elliott-Larsen Civil Rights Act require an employer to maintain an atmosphere free of discrimination, intimidation and insult based on race, color, religion, sex, age, national origin, height, weight, marital status, handicap, disabled Veteran status or Vietnam Veteran status.

III. DEFINITION:

- A. Both Title VII of the Civil Rights Act, as amended, and Michigan's Elliott-Larsen Civil Rights Act prohibit sexual harassment in the workplace. Sexual harassment can be any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature. Employers and employees who disregard or treat sexual harassment complaints lightly will be subjecting themselves to greater liability.

B. There are two types of sexual harassment cases:

1. Quid Pro Quo (something for something), when a supervisor or other employee makes the submission to requests for sexual favors a condition of employment, promotion, preferred or disfavored treatment. For example: It is sexual harassment when a supervisor explicitly or implicitly threatens to fire, demote, transfer, fail to promote or otherwise adversely affect an employee if he or she does not submit to the sexual demands.
2. Hostile work environment harassment exists when the actions of a supervisor or co-worker create an intimidating, hostile or offensive employment environment. This is known as "offensive environment" sexual harassment. The comments or conduct have the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. It is important to remember that "offensive environment" sexual harassment is determined by looking at the behavior according to the complaining employee's perception. Here is a list of behaviors that fall into the "offensive environment" category:
 - (a) Physically forcing sexual activity on another; including assault, battery and criminal sexual conduct
 - (b) Whistling or catcalling
 - (c) Pinching or patting
 - (d) Unwelcome hugging, kissing
 - (e) Soliciting or pressuring another to sit on your knee or lap
 - (f) Intentionally brushing up against another
 - (g) Vulgar or obscene jokes or language
 - (h) Repeatedly asking another for a date after you've been turned down
 - (i) Referring to another in demeaning terms; such as, "sweetie," "doll," "hunk," "babe"
 - (j) Displaying pictures and pinups from magazines; such as, "Playgirl" or "Playboy"
 - (k) Revealing one's genitals to others
 - (l) Starting and spreading rumors about the sex life of another employee
3. Gender Harassment of an individual because of their gender is unlawful regardless of whether the harassment is sexual in nature.
4. Title VII also applies to situations of same sex harassment cases.
5. Unwelcome means that the individual did not solicit or incite the conduct and regards it as undesirable.
6. A claimant/victim does not have to be the person at whom the offensive conduct is directed but can be anyone affected by the conduct.

IV. PROCEDURE:

A. Prohibited Activity

1. Employees shall not make offensive or derogatory comments based on race, color, gender, religion, national origin, handicap or Veterans status either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under federal and state employment laws and is also considered misconduct subject to disciplinary action by this Department and the City of Warren.
2. Employees shall not sexually harass, make requests for sexual favors or use other verbal or physical conduct of a sexual nature when:
 - (a) Submission to such conduct is explicitly or implicitly a condition of employment, or
 - (b) Submission to or rejection of such conduct is a basis for an employment decision affecting the individual, or
 - (c) Such conduct has the purpose or affect of reasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

B. Employee Responsibility

1. Each employee of this Department is responsible for assisting in the prevention of harassment by:
 - (a) Refraining from participation in or encouragement of actions that could be perceived as harassment
 - (b) Reporting acts of harassment to a supervisor
 - (c) Assisting any employee who confides that they are being harassed by encouraging them to report it.
2. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 - (b) Monitoring the work environment for signs that harassment may be occurring
 - (c) Counseling employees on the types of behavior prohibited and the Department's procedures for reporting and resolving complaints
 - (d) Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene whether or not the involved employees are within their line of supervision
 - (e) Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment pending investigation.
3. Each supervisor has the responsibility to assist any employee of the Department who comes to that supervisor with a complaint of harassment in documenting and filing a complaint through the internal investigation process. Failure to report or take appropriate action regarding known incidents will also be grounds for disciplinary action.

C. Complaint Procedure

1. Employees encountering harassment should communicate to the other party that the actions are unwelcome and offensive. The employee should document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who believes that they are being harassed should report the incident(s) to a supervisor as soon as possible so steps can be taken to protect the employee from further harassment and appropriate investigative steps can be initiated. Where this is not practical, the employee may report the offense to another supervisor, the Chief's Office or to the Equal Employment Opportunity Officer for the City of Warren, which is the assistant personnel director. If an individual has a complaint against their immediate supervisor, the individual may bring the incident(s) to the attention of the supervisor's immediate supervisor, department head or Chief of Police. If the complaint involves the department head, the Mayor's Office or EEO Officer may be notified.
3. The complaint shall be in writing.
4. Upon receiving a complaint or notification of discrimination or sexual harassment, the Department shall:
 - (a) Investigate all complaints to substantiate the complaint following guidelines of Department's Personnel Complaint Procedure in General Order 02-021
 - (b) Once substantiated, notify the individual of the complaint and of the penalties which may be imposed for such conduct
 - (c) Recommend appropriate corrective action
5. Any individual against whom a complaint is brought may contest the determination, in writing, to the governing Civil Service Commission or the Collective Bargaining Unit.
6. The supervisor or Department head shall impose discipline when a complaint of discriminatory or harassing conduct is substantiated, using appropriate disciplinary measures up to and including termination, depending on the seriousness of the offense.



Louis J. Nardi
POLICE COMMISSIONER

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